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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,296	08/20/2003	Anthony J. Baerlocher	0112300-1531	6661
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BELL, BOYD & LLOYD LLC			SKAARUP, JASON M	
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CHICAGO, IL 60690-1135			PAPER NUMBER	

3714

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/644,296	Applicant(s) BAERLOCHER, ANTHONY J.	
	Examiner Jason Skaarup	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation “the first components are multipliers and the second components are values” must be shown or the feature canceled from claims 7, 20, 32, 45, 57 and 69. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the Applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because the phrase "A primary or secondary game for a wagering gaming device" in line 1 of the Abstract is not a complete sentence. The Examiner suggests the phrase "A primary or secondary game is provided for a wagering gaming device" as one possible replacement. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 11, 24 and 39 are objected to because of the following informalities:

Claims 11 and 24 each recite the limitation "wherein the award is formed the generated second component modifying the generated first component" which appears to be a typographical error. The Examiner believes the Applicant intended for claims 11 and 24 to each recite the limitation "wherein the award is formed by the generated second component modifying the generated first component." Appropriate correction is required.

Claim 39 recites the limitation "generating one of the first components the plurality of first components" which appears to be a typographical error. The Examiner believes the Applicant intended for claim 39 to recite the limitation "generating one of the first components from the plurality of first components". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 14, 26, 37, 51, 63 and 74 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites "The gaming device of Claim 1, which is controlled via a data network or a computer storage device". It is unclear and vague what element of claim 1 is being controlled, which renders claim 14 indefinite.

Claim 26 recites "The gaming device of Claim 16, which is controlled via a data network or a computer storage device". It is unclear and vague what element of claim 16 is being controlled, which renders claim 26 indefinite.

Claim 37 recites "The gaming device of Claim 28, which is controlled via a data network or a computer storage device". It is unclear and vague what element of claim 28 is being controlled, which renders claim 37 indefinite.

Claim 51 recites "The method of Claim 31, which is controlled via a data network or a computer storage device". It is unclear and vague what element or step of claim 31 is being controlled, which renders claim 51 indefinite.

Claim 63 recites "The method of Claim 53, which is controlled via a data network or a computer storage device". It is unclear and vague what element or step of claim 53 is being controlled, which renders claim 63 indefinite.

Claim 74 recites "The method of Claim 65, which is controlled via a data network or a computer storage device". It is unclear and vague what element or step of claim 65 is being controlled, which renders claim 74 indefinite.

To obviate this rejection, Applicant could amend claims 14, 26 and 37 to recite the limitation "wherein the game is controlled via a data network or a computer storage device". Similarly, Applicant could amend claims 51, 63 and 74 to recite the limitation "controlling the game via a data network or a computer storage device".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6, 8-12, 14, 16-19, 21-26, 27-31, 33-37, 39-44, 46-51, 53-56, 58-63, 65-68 and 70-74 are rejected under 35 U.S.C. 102(e) as being anticipated by Locke et al.

Locke et al. disclose a gaming system that includes a gaming device (10) having a game operable upon a wager by a player and a method of operating the gaming device (Figure 2 along with the related description thereof). Locke et al. disclose that the system comprises: means for displaying and generating a plurality of first components (combinations of symbols on reels 30-34 in col. 3, lines 25-47); means for displaying and generating a plurality of sets of second components (sets of multipliers

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64), wherein each set of second components is associated with one of the first components and wherein each of the first components includes an associated set of second components (multipliers 64 are grouped into different sets associated with one of the combinations of symbols on reels 30-34 during "free spins"); and means for determining and providing an award adapted to be provided to the player (col. 3, lines 43-47) and based on: (a) one of the first components generated from the plurality of first components and (b) one of the second components generated from the set of second components associated with the generated first component (col. 4, lines 36-48) as recited in claims 1 and 39. Locke et al. disclose that different multiplier sets ("1X, 1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X, 1X" for free spin 1, "1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X" for free spin 2, "2X, 2X, 3X, 5X, 3X, 2X, 2X" for free spin 3, "2X, 3X, 5X, 3X, 2X" for free spin 4 and "3X, 5X, 3X" for free spin 5) are associated with the combinations of symbols on reels 30-34 (resulting in separate values awarded to the player) during different free spins (Figures 4, 6, and 7 along with the related descriptions thereof).

Regarding claims 2 and 40, Locke et al. disclose two sets of second components that share at least one second component (the multiplier sets for free spins 1 and 2 share multipliers "1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X"). See col. 4, lines 29-35 and col. 5, lines 5-10.

Regarding claims 3 and 41, Locke et al. disclose that each set of the second components shares at least one second component with at least one other set of second components (the multiplier sets for free spins 1 and 2 share multipliers "1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X", the multiplier sets for free spins 2 and 3 share multipliers "2X, 2X, 3X, 5X, 3X, 2X, 2X", the multiplier sets for free spins 3 and 4 share multipliers

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"2X, 3X, 5X, 3X, 2X", the multiplier sets for free spins 4 and 5 share multipliers "3X, 5X, 3X"). See col. 4, lines 29-35 and col. 5, lines 5-55.

Regarding claims 4 and 42, Locke et al. disclose that a first one of the sets of second components shares a first one of the second components with a second set of second components (the multiplier sets for free spins 1 and 2 share multipliers "1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X") and shares a second one of the second components with a third set of the second components (the multiplier sets for free spins 1 and 3 share multipliers "2X, 2X, 3X, 5X, 3X, 2X, 2X"). See col. 4, lines 29-35 and col. 5, lines 19-25.

Regarding claims 5 and 43, Locke et al. disclose that at least one of the sets of second components includes at least one second component that is not shared by any other set of second components (the multiplier set for free spin 1 includes "1X, 1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X, 1X" wherein the outermost "1X" multipliers are not shared by any of the multiplier sets for free spins 2-5). See col. 4, lines 29-35 and col. 5, lines 5-55.

Regarding claims 6 and 44, Locke et al. disclose that the first components are values (combinations of symbols on reels 30-34 result in values awarded to the player from a pay table) and the second components are multipliers (multipliers 64). See col. 3, lines 42-48.

Regarding claims 8 and 46, Locke et al. disclose that the award is formed from a randomly generated first component from the plurality of first components (col. 2, lines 48-55).

Regarding claims 9 and 47, Locke et al. disclose that the award is formed from a randomly generated second component from the set of second components associated with the randomly generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 10 and 48, Locke et al. disclose that the award is formed from a randomly generated second component from the set of second components associated with the generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 11 and 49, Locke et al. disclose that the award is formed from the generated second component modifying the generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 12 and 50, Locke et al. disclose a display device (12) adapted to display the associations of the sets of second components with the first components. See Figures 4, 6 and 7 along with the related descriptions thereof.

Regarding claims 14 and 51, Locke et al. disclose a computer storage device (22) and processor (18) for controlling the gaming device (10). See Figure 2 along with the related description thereof.

Regarding claims 16 and 53, Locke et al. disclose a gaming system that includes a gaming device (10) having a game operable upon a wager by a player and a method of operating the gaming device (Figure 2 along with the related description thereof). Locke et al. disclose that the system comprises: means for displaying and generating a plurality of first components (combinations of symbols on reels 30-34 in col. 3, lines 25-47); means for displaying and generating a plurality of sets of second components (sets of multipliers 64), wherein each of the first components includes an associated set of second components (multipliers 64 are grouped into different sets associated with one

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of the combinations of symbols on reels 30-34 during “free spins”) and wherein at least one of the sets of second components shares at least one second component with at least one other set of second components (col. 4, lines 29-35 and col. 5, lines 5-10, wherein the multiplier sets for free spins 1 and 2 share multipliers “1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X”) and wherein at least one of the sets of second components includes at least one second component that is not shared by any other set of second components (col. 4, lines 29-35 and col. 5, lines 5-55, wherein the outermost “1X” multipliers of the multiplier set for free spin 1, “1X, 1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X, 1X”, are not shared by any of the multiplier sets for free spins 2-5); and means for determining and providing an award adapted to be provided to the player (col. 3, lines 43-47) and based on: (a) one of the first components generated from the plurality of first components and (b) one of the second components generated from the set of second components associated with the generated first component (col. 4, lines 36-48).

Regarding claims 17 and 54, Locke et al. disclose that each set of the second components shares at least one second component with at least one other set of second components (the multiplier sets for free spins 1 and 2 share multipliers “1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X”, the multiplier sets for free spins 2 and 3 share multipliers “2X, 2X, 3X, 5X, 3X, 2X, 2X”, the multiplier sets for free spins 3 and 4 share multipliers “2X, 3X, 5X, 3X, 2X”, the multiplier sets for free spins 4 and 5 share multipliers “3X, 5X, 3X”). See col. 4, lines 29-35 and col. 5, lines 5-55.

Regarding claims 18 and 55, Locke et al. disclose that a first one of the sets of second components shares a first one of the second components with a second set of second components (the multiplier sets for free spins 1 and 2 share multipliers “1X, 2X,

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2X, 3X, 5X, 3X, 2X, 2X, 1X") and shares a second one of the second components with a third set of the second components (the multiplier sets for free spins 1 and 3 share multipliers "2X, 2X, 3X, 5X, 3X, 2X, 2X"). See col. 4, lines 29-35 and col. 5, lines 19-25.

Regarding claims 19 and 56, Locke et al. disclose that the first components are values (combinations of symbols on reels 30-34 result in values awarded to the player from a pay table) and the second components are multipliers (multipliers 64). See col. 3, lines 42-48.

Regarding claims 21 and 58, Locke et al. disclose that the award is formed from a randomly generated first component from the plurality of first components (col. 2, lines 48-55).

Regarding claims 22 and 59, Locke et al. disclose that the award is formed from a randomly generated second component from the set of second components associated with the randomly generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 23 and 60, Locke et al. disclose that the award is formed from a randomly generated second component from the set of second components associated with the generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 24 and 61, Locke et al. disclose that the award is formed by the generated second component modifying the generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 25 and 62, Locke et al. disclose a display device (12) adapted to display the associations of the sets of second components with the first components. See Figures 4, 6 and 7 along with the related descriptions thereof.

Regarding claims 26 and 63, Locke et al. disclose a computer storage device (22) and processor (18) for controlling the gaming device (10). See Figure 2 along with the related description thereof.

Regarding claims 28 and 65, Locke et al. disclose a gaming system that includes a gaming device (10) having a game operable upon a wager by a player and a method of operating the gaming device (Figure 2 along with the related description thereof). Locke et al. disclose that the system comprises: means for displaying and generating a plurality of first components (combinations of symbols on reels 30-34 in col. 3, lines 25-47); means for displaying and generating a plurality of sets of second components (sets of multipliers 64); and means for determining and providing an award adapted to be provided to the player (col. 3, lines 43-47) based on at least one of the first components and at least one of the second components (col. 4, lines 36-48), wherein the first component is selected from the plurality of first components and the second component is selected from one or a plurality of second components which are associated with the selected first component and wherein the second component modifies the selected first component to form the award (col. 4, lines 36-48).

Regarding claims 29 and 66, Locke et al. disclose that one of the second components (multiplier 64 in multiplier sets for free spins 1 and 2) is associated with two of the first components (combinations of symbols on reels 30-34 result in values awarded to the player from a pay table). The multiplier sets for free spins 1 and 2 share multipliers "1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X" and are associated with different combinations of symbols appearing on reels 30-34 during the free spins 1 and 2. See col. 4, lines 29-35 and col. 5, lines 5-10.

Regarding claims 30 and 67, Locke et al. disclose that one of the second components (multiplier 64 in multiplier set for free spin 1) is only associated with one of the first components (combinations of symbols on reels 30-34 result in values awarded to the player from a pay table). The multiplier set for free spin 1, "1X, 1X, 2X, 2X, 3X, 5X, 3X, 2X, 2X, 1X, 1X", is only associated with combinations of symbols appearing on reels 30-34 during free spin 1. See col. 4, lines 29-35 and col. 5, lines 5-55.

Regarding claims 31 and 68, Locke et al. disclose that the first components are values (combinations of symbols on reels 30-34 result in values awarded to the player from a pay table) and the second components are multipliers (multipliers 64). See col. 3, lines 42-48.

Regarding claims 33 and 70, Locke et al. disclose that the award is formed from a randomly generated first component from the plurality of first components (col. 2, lines 48-55).

Regarding claims 34 and 71, Locke et al. disclose that the award is formed from a randomly generated second component from the set of second components associated with the randomly generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 35 and 72, Locke et al. disclose that the award is formed from a randomly generated second component from the set of second components associated with the generated first component (col. 4, lines 15-17 and 39-48).

Regarding claims 36 and 73, Locke et al. disclose a display device (12) adapted to display the associations of the sets of second components with the first components. See Figures 4, 6 and 7 along with the related descriptions thereof.

Regarding claims 37 and 74, Locke et al. disclose a computer storage device (22) and processor (18) for controlling the gaming device (10). See Figure 2 along with the related description thereof.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7, 20, 32, 45, 57 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Locke et al.

Locke et al. teach a gaming system that includes a game having a plurality of first components and a plurality of sets of second components as detailed above. Locke et al. teach that the first components are values (combinations of symbols on reels 30-34 result in values awarded to the player from a pay table) and the second components are multipliers (multipliers 64). See col. 3, lines 42-48 of Locke et al. However, Locke et al. does not explicitly teach that the first components are multipliers and the second components are values as recited in claims 7, 20, 32, 45, 57 and 69. It would have been an obvious matter of design choice to modify the first components to include multipliers and to modify the second components to include values since Applicant has not disclosed that such an arrangement solves any stated problem or is for any particular purpose and it appears that the gaming system of Locke et al. would perform

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equally well with the first and second components including values or multipliers, respectively.

10. Claims 13, 15, 27, 38, 52, 64 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Locke et al. in view of Miller et al. (U.S. Patent Application Publication 2002/0065126).

Locke et al. teach a gaming system as described above that includes a display (12) for displaying game information that is controlled via a computer storage device (22) and processor (18). However, Locke et al. does not explicitly teach that the gaming device and method is controlled via a data network including an internet as recited in claims 15, 27, 38, 52, 64 and 75. Miller et al. teach a mechanical substantially spherical shaped object (606) for displaying game information (Figures 8A-13B along with the related descriptions thereof), which is controlled via a data network including an internet (paragraphs [0006] and [0086]). Miller et al. teach that such network control is well-known in the art (paragraph [0006]) and that mechanical displays increase game appeal and player excitement (paragraphs [0011] and [0050]). It would have been obvious for one skilled in the art at the time of the invention to incorporate the network controlled sphere (606) to display game information in the gaming system taught by Locke et al. in order to increase game appeal and player excitement as desirably taught by Miller et al. in paragraphs [0011] and [0050].

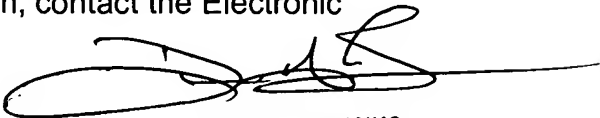
Conclusion

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure and includes: U.S. Patent No. 3,633,915 issued to Lippert; U.S. Patent No. 6,142,873 issued to Weiss et al.; U.S. Patent No. 6,168,520, U.S. Patent No. 6,533,273 issued to Cole et al.; U.S. Patent No. 6,582,307 issued to Webb; U.S. Patent No. 6,537,152 issued to Seelig et al.; and U.S. Patent Application Publication 2004/0043811 of Seelig et al. Additionally, U.S. Patent No. 6,663,489 is made of record because the Examiner considers Figure 10 pertinent to Applicant's disclosure. Each of the above patents or patent application publications is listed on the attached Notice of References Cited (PTO-892).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jason Skaarup whose telephone number is 571-272-4455. The Examiner can normally be reached on Monday-Thursday (10:00-8:00).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Derris Banks can be reached at 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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